IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 28531 of 2007(V)

PETITIONER:

A.B.GOPALAKRISHNAN,
AMBALATHINKAL HOUSE, EDAPPALLY NORTH, KOCHI-24.

BY ADV. SRI.K.R.VINOD

RESPONDENTS:

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1. THE KERALA WATER AUTHORITY,
REP.BY ITS MANAGING DIRECTOR,
JALABHAVAN, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER, CENTRAL REGION,
KERALA WATER AUTHORITY,
HOSPITAL ROAD, ERNAKULAM.

3. THE EXE.ENGINEER, P.H.DIVISION,
KERALA WATER AUTHORITY, PALLIMUKKU, KOCHI-16.

BY ADV. M. DINESH, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No.28531 of 2007

Dated this the 26th day of September, 2007

J U D G M E N T

The complaint of the petitioner is that tender forms are not supplied to him for the reason that he had lodged complaints against some of the officers working under 1st respondent. According to him he has satisfied all eligibility standards which are prescribed by the1st respondent and therefore he is entitled not only to tender forms but even the works itself. On the other hand it would appear that the Water Authority has classified the petitioner as ineligible to even get the tender forms.

2. Irrespective of whether the petitioner is entitled to be awarded the tender, if a person asked for a tender form, his ultimate entitlement for the award is not a matter to be examined at that stage. If a request is made tender forms must be given. The authority is to determine the entitlement of a tenderer to award work only at the final stage. Therefore, if the petitioner has made a valid request, there is no justification for denying the tender form.

For these reasons, I dispose of this writ petition directing the respondents to issue tender forms to the petitioner, if he has made a valid request. However, I clarify that I have not decided on the entitlement of the petitioner to be awarded the work.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007